166

83796
N.L.R.B.

TRANSCRIPT OF RECORD

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1937

No. 706

NATIONAL LABOR RELATIONS BOARD, PETITIONER

vs.

MACKAY RADIO & TELEGRAPH COMPANY

ON WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE NINTH CIRCUIT

PETITION FOR CERTIORARI FILED JANUARY 15, 1938
CERTIORARI GRANTED FEBRUARY 28, 1938

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1937

No. —

NATIONAL LABOR RELATIONS BOARD, PETITIONER

vs.

MACKAY RADIO AND TELEGRAPH COMPANY

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE NINTH CIRCUIT

INDEX

	Original	Print
Proceedings in U. S. C. C. A., Ninth Circuit	A	1
Caption [omitted in printing]	A	1
Proceedings before National Labor Relations Board	1	1
Charge	1	1
Complaint and notice of hearing	4	2
Order designating trial examiner	10	5
Order extending time to answer	11	6
Answer	12	6
Amended complaint	16	7
Order transferring proceeding to Board	21	10
Motions to resubmit, etc	22	10
Order denying motion to resubmit	30	14
Notice of hearing	31	14
Statement of exceptions of Mackay Radio Company to rulings of trial examiner	32	15
Decision	36	17
Statement of case	36	17
Findings of fact	37	18
Concluding findings of fact and conclusions of law	58	46
Order	59	47
Certificate of Board	60	48
Authorization of Secretary to certify	63	50
Order allowing filing of petition for enforcement, etc	64	50
Petition for enforcement of order of Board	66	51
Admission of service	71	54

	Original	Print
Answer to petition for enforcement	72	54
Order of submission	86	61
Order directing filing of opinions, etc	87	61
Opinion, Wilbur, J	88	62
Concurring opinion, Mathews, J	125	89
Dissenting opinion, Garrecht, J	128	92
Judgment, Jan. 11, 1937	146	104
Petition of Board for leave to adduce additional evidence and for rehearing	147	105
Order submitting petition for rehearing, etc	157	108
Supplement to petition for rehearing, etc., and motion for leave to file same	158	109
Order granting petition for rehearing	167	112
Order of submission on rehearing	168	112
Order directing filing of opinions, etc	169	112
Opinion, Wilbur, J., on rehearing	170	113
Opinion, Mathews, J., on rehearing	178	119
Dissenting opinion, Garrecht, J., on rehearing	178	119
Judgment, Oct. 19, 1937	185	124
Stay order	186	124
Clerk's certificate [omitted in printing]	187	124
Statement of evidence before National Labor Relations Board	1	125
Appearances	1	125
Colloquy	2	125
Motion to dismiss	5	127
Opening statement for Board	16	132
Testimony of—		
Lon N. Rone	23	135
Alonzo B. Loudermilk	124	187
Lon N. Rone (recalled)	133	191
Alonzo B. Loudermilk (recalled)	334	291
Glenn E. Palmer	563	403
Colloquy	668	455
Testimony of L. K. Bash	677	460
Colloquy	763	502
Testimony of—		
P. D. Phelps	770	505
Arthur Neil Chambers	882	560
Robert Irvin Hatch	906	572
Lyle S. Henderson	979	608
Robert Irvin Hatch (recalled)	1010	625
Colloquy	1111	675
Testimony of—		
Robert Irvin Hatch (recalled)	1124	681
John Spanover	1212	725
Andrew Jorgensen	1241	740
Motion to dismiss	1482	857
Testimony of—		
A. E. Patterson	1491	861
S. A. York	1501	866
Charles R. Burtz	1522	877

	Original	Print
Statement of evidence before N. L. R. B.—Continued		
Colloquy	1568	899
Testimony of A. M. McLaughlin	1571-A	901
Colloquy	1689	953
Testimony of—		
Edwin H. Dodd	1691	954
Q. M. Salisbury	1725	971
R. W. White	1728	972
Edwin H. Dodd (recalled)	1746	982
H. L. Rodman	1787	1002
Colloquy	1820	1018
Testimony of—		
H. L. Rodman (recalled)	1823	1019
Alice McKenna	1924	1069
Andrew Jorgensen (recalled)	1934	1074
L. N. Rone (recalled)	1938	1077
Alice McKenna (recalled)	1940	1078
L. N. Rone (recalled)	1945	1080
Alice McKenna (recalled)	1955	1085
Richard P. Clifford	1961	1088
Motion to strike certain evidence	1966	1090
Colloquy	1969	1092
Exhibits:		
B-1—Letter from A. R. T. Ass'n., March 28, 1935, with enclosure	1974	1093
B-2—Minutes of joint meeting of P. T. P. and marine locals of A. R. T. A., Sept. 13, 1935	1978	1096
B-3—Minutes of meeting of Point to Point local, Oct. 4, 1935	1982	1101
B-4—Personal history record—G. E. Palmer	1984	1102
Correspondence re employment	1984	1103
B-18-c to B-18-n, inc.—Total number of records, Oct. 2 to Oct. 13, 1935	1989	1104
B-19—Letter, Jorgenson to Sawtelmilk et al., Oct. 3, 1934	2001	1116
B-20—Minutes of meeting of P. T. P., Nov. 8, 1935	2002	1116
B-21—Questionnaire signed by Salisbury	2003	1117
B-22—Letter, Rodman to Wagenet, Oct. 17, 1935	2004	1118
B-6—Personal history record—L. K. Bash	2006	1119
Correspondence re employment	2007	1120
B-7 to B-10, inc.—Correspondence re reinstatement of P. D. Phelps	2010	1121
B-13—Renouncement of certain employees of affiliation with A. T. T. A	2014	1124
B-14—Ballot card—Hatch	2016	1125
B-16—Operators' office seniority	2018	1125
B-17-a to B-17-b—Operators' time sheets	2019	1126
B-18-a and B-18-b—Stipulation re radio messages handled by HB station	2022	1127
Total number record, Oct. 1, 1935	2023	1128

Statement of evidence before N. L. R. B.—Continued

Exhibits—Continued	Original	Print
R-1—Indictment and record of sentence, U. S. *v.* Rone	2024	1128
R-2—Letter, Pyle to Rodman, Feb. 8, 1935	2028	1130
R-3-a to R-3-d, inc.—Personal history record and correspondence re employment of A. B. Loudermilk	2029	1131
R-4—Statement "Boycott Mackay Radio"	2033	1133
R-5—Issue of "Arta," Oct. 1935	2034	1134
R-6—Letter, Phelps to Dewey, Oct. 15, 1935	2035	1135
R-7-a and R-7-b—Correspondence re reinstatement of P. D. Phelps	2035-a	1136
R-8—Application and approval as to R. I. Hatch	2037	1137
R-9—Bulletin to operating room employees	2038	1137
R-10—Resolution signed by operating staff	2039	1137
R-11—Correspondence re reinstatement of L. N. Rone	2041	1138
R-12—Hotel bill of A. C. Jorgensen	2043-a	1139
R-13—Memorandum as to strike	2044	1139
R-14—Memorandum as to signing of resolution of Oct. 17, 1935	2045	1140